BOARD OF ADJUSTMENT

Zoning Administration Division
Planning & Development Services Department (PDSD)
201 North Stone Avenue, Tucson, Arizona 85701

*** NOTICE OF DECISIONS ***

DATE OF PUBLIC HEARING March 24, 2010

THE DECISIONS OF THE BOARD OF ADJUSTMENT MAY BE APPEALED TO THE SUPERIOR COURT OF PIMA COUNTY BY FILING A COMPLAINT FOR SPECIAL ACTION WITHIN THIRTY (30) DAYS AFTER THE BOARD HAS RENDERED ITS DECISION. ARIZONA REVISED STATUTES SECTION 9-462.06 (J)&(K).

CASE NO.

THE APPLICANT

C10-10-05 MR. HEAD'S ART BAR AND PATIO EXPANSION/MICAH BLATT, 509 AND 513 NORTH 4TH AVENUE, C-3

The applicant's property is a 6,098 square foot site developed with a 4,736 square foot commercial structure. The applicant proposes a bar with a new outdoor seating area. The proposed use is a change of use and will require the entire site be brought into compliance with all Tucson Land Use Code (LUC) development criteria applicable to the new use. LUC Sections applicable to this project include, but are not limited to, the following: Section 2.5.5 which provides the design criteria applicable to development in the C-3 zone, Sections 3.3.4 and 3.3.7 which provide the motor vehicle and bicycle parking requirements, Section 3.4.4 and 3.4.5 which provides the off-street loading requirements, and Sections 3.7.2 and 3.7.3 which provide the landscape and screen requirements applicable to the project. The applicant is requesting the following variances: 1) Delete the required ninety (90) onsite motor vehicle parking spaces; 2) Delete the required four (4) onsite bicycle parking spaces; 3) Delete the one required 12' x 35' loading space; and, 4) Delete the ten (10') wide street landscape border including a five (5') high screen wall along the Fourth Avenue frontage, all as shown on the submitted plans.

<u>DECISION</u>: VARIANCES 1, 2, 3 AND 4 GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- A. Replacement tree in right of way to be same species (Rhus Lancea) as other trees along the avenue.
- B. Provide bicycle parking in right of way, as allowed.

By LUC regulation, a building permit or development approval based upon a Board of Adjustment decision cannot be issued, until a minimum of fourteen (14) days after the Board's decision date.

IMPORTANT NOTICE

FOR VARIANCES OR DESIGN DEVELOPMENT OPTIONS (DDO) GRANTED BY THE ACTIONS OF THIS BOARD: IF A BUILDING PERMIT IS REQUIRED FOR THE PROJECT ASSOCIATED WITH THE VARIANCE OR DDO, IT MUST BE SECURED FROM THE DEVELOPMENT SERVICES DEPARTMENT (DSD) WITHIN 180 DAYS OF THE HEARING DATE.

VARIANCE AND DDO APPROVALS EXPIRE WITHIN 180 CALENDAR DAYS FROM THE DATE OF THIS MEETING. TWO ADDITIONAL (180 DAY) EXTENSIONS MAY BE GRANTED PROVIDED THERE IS GOOD CAUSE AND THE REQUEST IS MADE IN WRITING.

<u>UNLESS OTHERWISE NOTED</u>, BOARD OF ADJUSTMENT DECISIONS BECOME EFFECTUATED UPON OBTAINING BUILDING PERMITS (IF REQUIRED) AND FULL COMPLIANCE WITH ALL CONDITIONS OF THE BOARD'S DECISION.

THE 180 DAY TIME FRAME TO OBTAIN A BUILDING PERMIT DOES NOT APPLY WHEN THERE IS AN OUTSTANDING ZONING VIOLATION THAT PRECIPITATED THE VARIANCE OR DDO REQUEST FOR THE PROPERTY. THE APPLICANT OR PROPERTY OWNER MUST CONTACT THE DEPARTMENT OF NEIGHBORHOOD RESOURCES FOR THE DATE THE ZONING VIOLATION MUST BE ABATED.

If you want further information, please call Russlyn Wells at 837-4948.

Sue Montes, Secretary Board of Adjustment

s:zoning administration/ba/decision/1005.doc